

Schedule 13
Change Request for FY 08-09 Budget Request Cycle

Request Title: PUC Fingerprint-based criminal history record checks
 Department: DORA
 Priority Number: 4 of 4

Decision Item FY 08-09 ☐ Base Reduction Item FY 08-09 ☐ Supplemental FY 07-08 ☐ Budget Request Amendment FY 08-09 ☒

Dept. Approval by: *[Signature]* Date: 1/22/08
 OSPB Approval: *[Signature]* Date: 1-22-08

Fund	1	2	3	4	5	6	7	8	9	10
	Prior-Year Actual FY 06-07	Appropriation FY 07-08	Supplemental Request FY 07-08	Total Revised Request FY 07-08	Base Request FY 08-09	Decision/ Base Reduction FY 08-09	November 1 Request FY 08-09	Budget Amendment FY 08-09	Total Revised Request FY 08-09	Change from Base (Column 5) FY 09-10
Total of All Line Items	Total	14,527,868	0	15,391,375	16,313,786	0	16,313,786	176,477	16,490,263	135,255
	FTE	87 30	0.00	95 60	95 60	0.00	95 60	1 90	97 50	1 50
	GF	54,157	0	111,062	165,886	0	165,886	0	165,886	0
	GFE	0	0	0	0	0	0	0	0	0
	CF	13,937,840	0	14,537,363	15,767,872	0	15,767,872	176,477	15,944,349	135,265
(7) Public Utilities Commission	CFE	452,865	0	607,246	244,324	0	244,324	0	244,324	0
	FF	83,006	0	135,704	135,704	0	135,704	0	135,704	0
	Total	8,071,358	0	7,911,507	8,135,424	0	8,135,424	131,918	8,267,342	105,703
	FTE	87 30	0.00	95 60	95 60	0.00	95 60	1 90	97 50	1 50
	GF	0	0	8,405	0	0	0	0	0	0
(7) Public Utilities Commission	GFE	0	0	0	0	0	0	0	0	0
	CF	7,735,608	0	7,526,868	8,135,424	0	8,135,424	131,918	8,267,342	105,703
	CFE	335,750	0	376,234	0	0	0	0	0	0
	FF	0	0	0	0	0	0	0	0	0
	Total	409,512	0	422,660	396,720	0	396,720	16,570	413,290	2,550
(7) Public Utilities Commission	FTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	GF	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0
	CF	409,512	0	402,660	396,720	0	396,720	16,570	413,290	2,550
	CFE	0	0	20,000	0	0	0	0	0	0
(1) Executive Director's Office	FF	0	0	0	0	0	0	0	0	0
	Total	5,822,297	0	6,591,955	7,071,796	0	7,071,796	25,211	7,097,007	25,211
	FTE	0 00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	GF	48,654	0	90,141	137,580	0	137,580	0	137,580	0
	GFE	0	0	0	0	0	0	0	0	0
(1) Executive Director's Office	CF	5,896,773	0	6,233,719	6,666,121	0	6,666,121	25,211	6,691,332	25,211
	CFE	93,864	0	132,391	132,391	0	132,391	0	132,391	0
	FF	83,006	0	135,704	135,704	0	135,704	0	135,704	0
	Total	83,006	0	135,704	135,704	0	135,704	0	135,704	0
	FTE	0 00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Schedule 13
Change Request for FY 08-09 Budget Request Cycle

Request Item FY 08-09 ☐ Base Reduction Item FY 08-09 ☐ Supplemental FY 07-08 ☐ Budget Request Amendment FY 08-09 ☒
 Department: PUC Fingerprint-based criminal history record checks
 DORA
 Priority Number: 4 of 4
 Dept. Approval by: OSPPB Approval: Date: Date:

	1	2	3	4	5	6	7	8	9	10
	Prior Year Actual FY 06-07	Appropriation FY 07-08	Supplemental Request FY 07-08	Total Revised Request FY 07-08	Base Request FY 08-09	Decision/ Base Reduction FY 08-09	November 1 Request FY 08-09	Budget Amendment FY 08-09	Total Revised Request FY 08-09	Change from Base (Column 5) FY 09-10
(1) Executive Director's Office										
SB 04-257 Amortization Equalization Disbursement	Total 224,701 FTE 0.00 GF 5,503 GFE 0 CF 195,947 CFE 23,251 FF 0	385,299 0.00 10,620 0 309,613 65,066 0	0 0.00 0 0 0 0 0	385,299 0.00 10,620 0 309,613 65,066 0	537,907 0.00 21,439 0 431,670 84,798 0	0 0.00 0 0 0 0 0	537,907 0.00 21,439 0 431,670 84,798 0	1,892 0.00 0 1,892 0 0 0	539,799 0.00 21,439 0 433,562 84,798 0	1,503 0.00 0 1,503 0 0 0
(1) Executive Director's Office										
SB 06-235 Supplemental Amortization Equalization Disbursement	Total 0 FTE 0.00 GF 0 GFE 0 CF 0 CFE 0 FF 0	79,954 0.00 1,896 0 64,503 13,555 0	0 0.00 0 0 0 0 0	79,954 0.00 1,896 0 64,503 13,555 0	171,939 0.00 6,867 0 137,937 27,135 0	0 0.00 0 0 0 0 0	171,939 0.00 6,867 0 137,937 27,135 0	886 0.00 0 886 0 0 0	172,825 0.00 6,867 0 138,823 27,135 0	288 0.00 0 288 0 0 0

Letternote revised text: This amount shall be from the Motor Carrier Cash Fund
 Cash Fund name/number, Federal Fund Grant name: Motor Carrier Cash Fund, #185
 IT Request: ☐ Yes ☒ No
 Request Affects Other Departments: ☒ Yes ☐ No
 If Yes, List Other Departments Here: Department of Law

CHANGE REQUEST for FY 08-09 BUDGET REQUEST CYCLE

Department:	DORA
Priority Number:	4 of 4
Change Request Title:	PUC Fingerprint-based criminal history record checks

SELECT ONE (click on box):

- ☐ Decision Item FY 08-09
- ☐ Base Reduction Item FY 08-09
- ☐ Supplemental Request FY 07-08
- ☒ Budget Request Amendment FY 08-09

SELECT ONE (click on box):

Supplemental or Budget Request Amendment Criterion:

- ☐ Not a Supplemental or Budget Request Amendment
- ☐ An emergency
- ☐ A technical error which has a substantial effect on the operation of the program
- ☒ New data resulting in substantial changes in funding needs
- ☐ Unforeseen contingency such as a significant workload change

Short Summary of Request:

The costs to implement provisions of House Bills 07-1065 and 1249 requiring fingerprint-based criminal history records checks have far exceeded original projections and the appropriation. The Department requests additional appropriations of \$176,477 and 1.9 FTE in order to maintain resources for the program. This request is necessary to support the Department's Strategic Plan, Objective #4 (access of the regulatory process in a timely and efficient manner). Conversely, without this request, Division's inability to adequately carry out the program risks compromising Objective #5 (rigorous standards and fair practices in regulated professions and businesses).

Background and Appropriation History:

HB07-1065 and HB 07-1249 require fingerprint-based criminal history record checks for drivers of certain motor vehicle carriers, and the principals of household goods moving companies, respectively. An appropriation of 1.3 FTE (Administrative Assistant III) was provided to the PUC for implementation of HB 07-1065. No appropriation was provided for to the PUC for implementation of HB 07-1249.

With a staff 95.6 FTE and an FY 07-08 appropriation of \$14.8 million, the Public Utilities Commission (PUC) is charged with regulating the rates and services of transportation and fixed utilities throughout Colorado, in addition to administering several direct service programs including the Colo. Telecommunications High Cost Program, the Low-Income Telephone Assistance Program, the Highway Crossing Protection Program, and the Disabled Telephone Users Program. Assessments and licensing fees paid by regulated entities support the Division. Recent expenditures for this Division were \$13.2 million in FY 2005-06, and \$15.4 million in FY 06-07.

Specific to transportation, PUC administers laws governing the regulation of motor carriers in Colorado. This regulation includes safety, insurance, and rate issues surrounding interstate and intrastate carriers of passengers and property. The following table shows revenues and expenditures over the last several years:

During the 2007 legislative session, the General Assembly passed the following two pieces of legislation that added responsibilities to the PUC with regard to its regulation of motor carriers:

- **House Bill 07-1065** requires new employees and contractors who will be driving for certain motor vehicle carriers to submit a set of fingerprints to the Public Utility Commission (PUC) for a fingerprint-based criminal history check. Carriers include operators of taxicabs, charter or scenic buses, fire crew transports, luxury limousines, off-road scenic charters, or children's activity buses. The PUC is to be the authorized state agency to receive the results of the federal criminal history check. The bill also requires PUC to set rules that establish standards governing the retention of drivers subject to the criminal history check; requires drivers to bear the cost of the criminal history checks; and requires that criminal history checks be completed on existing employees or contractors within 30 days of this bill's effective date. These provisions were expected to affect 4,000 drivers in year one and 1,200 (30%) churn in year 2 and thereafter.

- **House Bill 07-1249**, changes oversight activities by the Public Utilities Commission (PUC) for movers of household goods. The bill requires a fingerprint-based criminal background check for officers of moving companies applying for new registrations; allows the PUC to refuse registration based on failure to satisfy a final judgment, failure to abide by arbitration decisions or, based on the criminal background check, company officers who are not of good moral character; specifies information to be provided by the mover to the shipper related to the rights and responsibilities of each party; creates a binding arbitration process in association with the Better Business Bureau for disputes between movers and shippers; and, prohibits movers with invalid or expired registrations from enforcing carriers' liens. These provisions were expected to affect 130 carrier registrations covering an estimated 786 actual persons annually.

At the time the original fiscal assessment for these bills was calculated, it was assumed that in total fingerprints for 5,000 drivers and 220 officers would be processed in FY 2007-08 and 1,500 drivers annually thereafter. This included tracking, transmitting, receiving background checks in the case of HB 07-1065; and, these functions plus registration functionality to revoke/suspend movers in the case of HB 07-1249.

When the PUC initially evaluated the fiscal impact for appropriation purposes, it was not known or expected that background check returns from the state and federal bureaus of investigation would report arrests but not convictions. This was a critical oversight in the assumptions, because the bills specifically require conviction information. Consequently, based on the affirmative requirements in the bills that disqualifications occur only for convictions of certain offenses, significant additional staff resources (Criminal Investigator I) are now required to interpret returns from the two bureaus and to investigate conviction/disposition information through available court databases.

Additionally, initial assumptions regarding the number of returns processed did not account for resubmission requirements. PUC rules promulgated to implement the legislation require resubmission of fingerprint for drivers bi-annually, and for principals of household goods moving companies annually. This rule is based on statutory requirements and substantially increases the workload associated with continuing this program.

General Description of Request:

The PUC requests an additional appropriation of resources in order to continue conducting the fingerprint-based criminal history record check programs required by HB 07-1065 and HB 07-1249. The additional resources required are as follows:

- 0.5 FTE General Professional V associated with policies, procedures, and practices;
- 0.9 FTE Criminal Investigator I associated with review of background checks;
- 0.4 FTE Administrative Law Judge, 0.1 FTE Court Reporter, and 0.2 FTE legal services associated with 35 administrative hearings to determine character issues.

The original fiscal note for these bills provided a net total of \$53,000 and 1.3 FTE Administrative Assistant in order to process all background checks. The additional resources requested are described below.

First, implementation of the background check programs has been more complicated than originally anticipated. The requirements of HB 07-1065 and HB 07-1249 are not consistent with one another. To create the infrastructure, business practices, policies, and procedures for the two programs, unanticipated and significant involvement of a General Professional V has been required and is expected to continue at approximately 0.5 FTE in Fiscal Year 2008-09 and 0.25 FTE annually thereafter. This position is and shall continue to be responsible for program oversight, including supervision of the Criminal investigator. This position must research and provide testimonial advocacy regarding all civil and “good moral character” issues arising from the background checks specific to HB07-1249. Of the 220 background checks of the officers of household goods movers, checked annually, it is anticipated that more than 50% will have a criminal and civil

history that requires in-depth analysis and review with regard to good moral character, which is more complicated than criminal case review and requires direct contact with officers of the household goods moving companies. It is anticipated that each review will require in excess of 1 hour. (110 reviews annually x 1 hour per review = 110 hours per year). While in fiscal year 2007-08 the assigned General Professional V has focused solely on implementation; in fiscal year 2008-09 this position will be required to draft and formalize written procedures as well as continue development, debugging and administration of software used to track driver qualification status.

Further, analysis of the returns from the state and federal bureaus of investigation is far more involved than initially assumed. In addition to the administrative processing by an administrative assistant, a 30 minute review by a Criminal Investigator I is required for each return.

As mentioned previously, it was assumed that fingerprints for 5,000 drivers and 220 officers would be processed in FY 2007-08 and 1,500 drivers annually thereafter. Based on experience to date, and PUC rules that require annual and bi-annual resubmission of fingerprints, the assumptions for the number of returns processed annually have changed. It is now expected that 1,900 returns will be processed in FY 2007-08 (note that this is less than the initial assumption), but 3,900 in FY 2008-09, and 2,900 annually thereafter. Moreover, the work per return is more than the expected administrative processing in that a 30 minute criminal investigative review is required.

Additionally, HB 07-1249 specifies that the PUC will deny or refuse to renew a household goods mover registration if the PUC determines, based on the background check, that the principals of the household goods moving company are not of good moral character. "Good moral character" is a fluid concept that depends on case-specific facts. As such, PUC rules require that staff will *not* make this determination. Instead, PUC rules require that the matter be referred for hearing. Such hearings require staff involvement and testimony of both a General Professional V and a Criminal Investigator I, an Administrative Law Judge, court reporter, and legal services support. Hearings relating to drivers are also anticipated. Assuming 35 hearings per year in which this

“good moral character” issue is expected to arise generates the following cost estimates: 10 General Professional V hours per hearing (35 hearing x 10 hours = 350 hours), 10 Criminal Investigator I hours per hearing (35 hearing x 10 hours = 350 hours), 25 Administrative Law Judge II hours per hearing (35 hearing x 25 hours = 875 hours), 6.25 hours Hearings Reporter hours per hearing (35 hearings x 6.25 hours = 220 hours), and 10 hours per hearing of legal service support (35 hearings x 10 hours = 350 hours).

The following table summarizes the costs assessed in the fiscal note process vs. the costs identified above based on updated information:

	FY 07-08		FY 08-09		FY 09-10	
Original Administrative Costs per Legislative Council Fiscal Note	PUC Costs	FTE	PUC Costs	FTE	PUC Costs	FTE
HB 07-1065 (Taxi Cabs)						
Personal Services	\$48,193	1.3	\$15,366	0.4	\$15,366	0.4
Legal Services	\$4,337		\$4,337		\$4,337	
HB 07-1249 (Household Movers)	\$0	0.0	\$0	0.0	\$0	0.0
Subtotal Per Fiscal Notes	52,530	1.3	19,703	0.4	19,703	0.4
<u>Additional Costs Per Budget Amendment Request</u>						
0.5 FTE General Professional V for program oversight in FY 08-09.						
0.3 FTE General Professional V for program oversight thereafter.	N/A		\$32,982	0.5	\$19,789	0.3
HB 07-1065 (Taxi Cabs)						
30 minutes Criminal Investigator I per 1,900 returns in FY 07-08;						
3,900 returns in FY 08-09; and 2,900 returns annually thereafter	N/A		\$49,907	0.9	\$38,816	0.7
HB 07-1249 (Household Movers)						
35 hearings @ 25 ALJ hours per = 875 hours	N/A		\$30,547	0.4	\$30,547	0.4
35 hearings @ 6.25 Hearings Reporter hours per = 220 hours	N/A		\$4,769	0.1	\$4,769	0.1
35 hearings @ 10 hours Legal Services hours per = 350 hours						
*\$72.03 blended rate = \$25,211	N/A		\$25,211		\$25,211	
Subtotal of Additional Costs	N/A		143,416	1.9	119,132	1.5
<i>Note: this table shows salary/legal hours only; please see assumptions and calculations for complete costs of request. Also, "N/A" is used to reflect the fact that this is not a supplemental request for FY 07-08.</i>						

Based on the availability of the \$53,000 appropriation during FY 07-08, the FY 2007-08 workload must already be accommodated by diverting existing staff from other duties. However, based on the total unexpected work attributable to the bills, the Division requests resources in FY 08-09 and beyond.

Consequences if Not Funded:

If this request is not approved, the PUC will not be able to continue its implementation of these background check programs while maintaining its mission-critical functions in other areas. Specifically: (1) motor carrier safety programs will suffer because the referenced Criminal Investigator I has been diverted from motor carrier safety programs, including without limitation enforcement of vehicle safety and driver drug and alcohol, hours of service, and qualification requirements; (2) the PUC's background check process will not afford timely service to drivers, motor carriers, and the public, and will not adequately protect due process issues for those persons being fingerprinted; (3) this problem will be exacerbated by the fact that the issuance of household goods registration permits will be significantly delayed by backlogs in the program, which will perversely encourage illegal un-permitted operations in the face of legislation that intended to remove malefactors in the industry.

Calculations for Request:

Summary of Request FY 08-09	Total Funds	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds	FTE
Total Request	\$176,477	\$0	\$176,477	\$0	\$0	1.9
<u>Public Utilities Commission</u> Personal Services	\$131,918	\$0	\$131,918	\$0	\$0	1.9
Operating Expenses	\$16,570	\$0	\$16,570	\$0	\$0	
AED	\$1,892	\$0	\$1,892	\$0	\$0	
SAED	\$886	\$0	\$886	\$0	\$0	
Legal Services	\$25,211	\$0	\$25,211	\$0	\$0	

Summary of Request FY 09-10	Total Funds	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds	FTE
Total Request	\$135,255	\$0	\$135,255	\$0	\$0	1.5
<u>Public Utilities Commission</u> Personal Services	\$105,703	\$0	\$105,703	\$0	\$0	1.5
Operating Expenses	\$2,550	\$0	\$2,550	\$0	\$0	
AED	\$1,503	\$0	\$1,503	\$0	\$0	
SAED	\$288	\$0	\$288	\$0	\$0	
Legal Services	\$25,211	\$0	\$25,211	\$0	\$0	

Assumptions for Calculations:

Calculations by Long Bill Line Item - All amounts Cash Funds	FY 08-09 Total	FTE	FY 09-10 Total	FTE
Salary, GP V, Grade H51, FY 08-09 Range Minimum	\$32,982	0.5	\$19,789	0.3
Salary, Crim. Inv. I, Grade A36, FY 08-09 Range Minimum	\$49,907	0.9	\$38,816	0.7
Salary, ALJ I, Grade H57, FY 08-09 Range Minimum	\$30,547	0.4	\$30,547	0.4
Salary, Hearings Reporter, Grade G52, FY 08-09 Range Minimum	\$4,769	0.1	\$4,769	0.1
PERA @ 10.15%	\$11,999		\$9,534	
Medicare @ 1.45%	\$1,714		\$1,362	
Prior Year SAED			886	
Total Personal Services	\$131,918	1.9	\$105,703	1.5
AED @ 1.3% FY 07-08, 1.60% FY 08-09, 1.6% FY 09-10	\$1,892		\$1,503	
SAED @ 0.50% FY 07-08, 0.75% FY 08-09, 1.25% FY 09-10	\$886		\$288	
Capital Outlay (Furniture) is \$2,225 per standard guidelines	\$8,900			
PC equipped with a shared printer and standard office software is \$1,230	\$4,920			
Telephone base is \$450/FTE	\$1,800		\$1,800	
Annual operating expenses @ \$500/FTE	\$950		\$750	
Total Operating Expenses	\$16,570		\$2,550	
Legal Services	\$25,211		\$25,211	
Total	\$176,477	1.9	\$135,255	1.5

Other Assumptions:

- 30% (1,500) annual attrition for drivers (source: industry & original fiscal note)
- Based on the two-year provision in HB-1065 (*see* § 40-10-105.5(4)(b)), and pursuant to PUC rules implementing HB-1065, drivers resubmit for background check every two years.
- 1,500 drivers will submit fingerprints in fiscal year 2007-08, and 3,500 in fiscal year 2008-09, and 2,500 thereafter. (source: estimates based on data to date)
- 130 household goods registrations per year. Average of three persons per company subject to HB-1249, totaling approximately 400 submissions per year. Resubmission occurs annually pursuant to PUC rules because permit is required to be renewed annually.
- 35 hearings per year
 - 25 Administrative Law Judge II hours (35 hearing x 25 hours = 875 hours or .4FTE).
 - 6.25 Hearings Reporter hours (35 hearings x 6.25 hours = 220 hours or .1 FTE), and
 - 10 hours of legal service support (35 hearings x 10 hours = 350 hours).
- 30 minute review of each finger print report from CBI or FBI and state jurisdictional databases. (source: estimates based on experience to date)

Impact on Other Government Agencies:

This program impacts the Department of Public Safety in that fingerprints and fees are sent there under the program; however, this specific request is isolated to administrative costs in PUC.

Cost Benefit Analysis:

The cost benefit of this request cannot be measured. The request seeks minimum funding to carry out statutory requirements.

Implementation Schedule:

Task	Month/Year
FTE Hired	As soon as possible after July 1, 2008
Start-Up Date	As soon as possible after July 1, 2008

Statutory and Federal Authority:

Section 40-16-104.5, C.R.S.; and Section 40-14-103.5, C.R.S., as follows:

40-16-104.5. Criminal history record check - passenger transport drivers - rules.

(1) An individual who wishes to become employed by or who contracts with a person who offers services by charter or scenic bus, fire crew transport, luxury limousine, off-road scenic charter, or children's activity bus to drive a motor vehicle in connection with the service shall submit a set of his or her fingerprints to the commission. The commission shall forward the fingerprints to the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. Upon receipt of fingerprints and payment for the costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. The commission shall be the authorized agency to receive information regarding the result of a national criminal history record check. The individual whose fingerprints are checked pursuant to this subsection (1) shall bear the actual costs of the state and national fingerprint-based criminal history record check.

(2) An individual who, prior to May 30, 2007, drives a motor vehicle as part of his or her employment or contract with a person who offers services by charter or scenic bus, fire crew transport, luxury limousine, off-road scenic charter, or children's activity bus shall comply with the fingerprinting requirements of subsection (1) of this section within thirty days after May 30, 2007.

(3) An individual whose fingerprints are checked pursuant to subsection (1) or (2) of this section may, pending the results of the criminal history record check, drive a motor vehicle in connection with his or her employment or contract with a service described in subsection (1) of this section for up to sixty days after the commission forwards the fingerprints to the Colorado bureau of investigation or until the commission receives the results of the check, whichever occurs first. Upon the commission's receipt of the results, the individual may resume driving a motor vehicle for the service, so long as the driving does not violate applicable law and does not occur while the individual has a criminal conviction on his or her record that disqualifies and prohibits him or her from driving a motor vehicle for the service pursuant to subsection (4) of this section.

(4) An individual whose criminal history record is checked pursuant to this section shall be disqualified and prohibited from driving a motor vehicle for a service described in subsection (1) of this section if the criminal history record check reflects that:

(a) Within the ten-year period preceding the date the criminal history record check is completed, the individual was:

(I) Convicted in this state of a crime of violence, as defined in section 18-1.3-406 (2), C.R.S.; or

(II) Convicted of a comparable offense in any other state or in the United States; or

(b) Within the two years preceding the date the criminal history record check is completed, the individual was:

(I) Convicted in this state of driving under the influence, as defined in section 42-4-1301 (1) (f), C.R.S.; driving with excessive alcoholic content, as described in section 42-4-1301 (2) (a), C.R.S.; driving while ability impaired, as defined in section 42-4-1301 (1) (g), C.R.S.; or driving while an habitual user of a controlled substance, as described in section 42-4-1301 (1) (c), C.R.S.; or

(II) Convicted of a comparable offense in any other state or in the United States.

(5) The commission shall, consistent with the requirements of this section, promulgate rules concerning the employment of, contracting with, and retention of an individual whose criminal history record is checked pursuant to this section.

(6) An individual or entity who violates any provision of this section shall be subject to the penalties described in section 40-16-107.

40-14-103.5. Criminal history record check.

(1) Prior to the issuance of a mover registration pursuant to this article, each applicant for a new registration and each director, officer, owner, and general partner thereof shall submit a set of his or her fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Each such person shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check. Upon completion of the criminal history record check, the bureau shall forward the results to the commission.

(2) The commission shall consider the information resulting from the criminal history record checks in its determination as to whether the applicant has met the standards set forth in section 24-5-101 (2), C.R.S.

(3) Nothing in this section shall preclude the commission from making further inquiries into the background of the applicant.

Performance Measures:

This request is necessary to support the Department's Strategic Plan, Objective #4 (access of the regulatory process in a timely and efficient manner). Conversely, without this request, Division's inability to adequately carry out the program risks compromising

Objective #5 (rigorous standards and fair practices in regulated professions and businesses).